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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,207	10/28/2003	Anthony J. Beavers	B73030C2 (015538/0000)	4516
20594	7590	08/05/2004	EXAMINER	
CHRISTOPHER J. ROURK AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P. P O BOX 688 DALLAS, TX 75313-0688			BROCKETTI, JULIE K	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/695,207

Applicant(s)

BEAVERS, ANTHONY J.

Examiner

Julie K Brockett

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-15, 17-20, 36-45, 57 and 58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15, 17-20, 36-45, 57 and 58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 58 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 58 states "...two or more keys, where each key is associated with a different cheque value." It is dependent on claim 13, which states "...a plurality of keys, wherein each key is associated with a different cheque value..." A plurality of keys is inherently two or more keys. Therefore, claim 58 does not further limit the subject matter of claim 13.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 17, 36 and 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Halaby, U.S. Patent No. 5,975,528.** Halaby discloses a system for obtaining data for use in a table game system. A player entry system comprises two or more keys corresponding to player locations at a table game. The cheque value system has a plurality of keys, wherein each key is associated with a cheque value (See Halaby Fig. 1, col. 2 lines 28-41; col. 3 lines 26-53). The cheque value system receives two or more cheque value selections and provides the cheque value selections to the table game system (See Halaby col. 6 lines 27-35; col. 7 lines 20-37; col. 8 lines 36-47)[claim 17]. The table game system includes a position system generating position data (See Halaby col. 3 lines 17-33). A wager system generates wager data by user selection of two or more keys, where each key is associated with a different cheque value See Halaby col. 6 lines 27-35; col. 7 lines 20-37; col. 8 lines 36-47). A payout system receives the position data and the wager data generates payout data (See Halaby cols. 11 & 12). The position data and the wager data are representative of positions and wagers at a table game in a casino (See Halaby Fig. 1) [claim 36]. The wager system comprises two or more zone sensors that generate zone data [claim 49]. The cheque value system receives the zone data and generates wager data from the zone data (See Halaby Fig. 1; col. 3 lines 14-53) [claim 40]. For example, the switches at each player location can be said to be zone sensors. Each player in their location has switches, which generate data relating to the wager of the player at that position, i.e.

Art Unit: 3713

zone. The payout system comprises a blackjack payout system (See Halaby col. 1 lines 4-5) [claim 41].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halaby, U.S. Patent No. 5,975,528.** The system comprises a housing containing the position entry system and the cheque value system (See Halaby Fig. 1). The housing is configured to be placed over a drop slot of the game table (See Halaby Fig. 1) [claim 18]. If Halaby's housing was placed on an existing gaming table with a drop slot then a display is located between the drop slot and the gaming table (See Halaby Fig. 1)[claim 19]. It would have been obvious to one of ordinary skill in the art to place the entire table configuration over an existing table with a drop slot. By placing the housing over an existing table, the casino can retrofit the older tables with drop slots and therefore Halaby's table is less expensive to implement. The limitation "such that an operator must drag currency over the display when using a paddle to place the currency into the drop slot, so as to clean the

Art Unit: 3713

display” is an intended use limitation. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation *Ex parte Masham*, 2 USPQ2d 1647 (1987). A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Thus, in the structural claim dictated by claim 19 is capable of being used in a different manner that would not result in a structural difference, only a difference of use. Hence the recitation that the device be employed in a specific manner regarding the actions of the structure does not differentiate the claimed apparatus from the Halaby apparatus, which satisfies the claimed structural limitation. Additionally, the Applicant is invited to review MPEP §2114 R-1 which states: MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE APPARATUS CLAIM FROM THE PRIOR ART. A claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). Additionally, the MPEP §2114 R-1 clarifies

Art Unit: 3713

that an apparatus claim is drawn to the structure of the device, not the function, by stating “[A]pparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).

**Claims 13-15, 37, 38, 42-45, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halaby, U.S. Patent No. 5,975,528 in view of Soltys, U.S. Patent No. 6,460,848.** Halaby discloses a system for obtaining data for use in a table game system. A cheque value system receives one or more cheque value selections and provides the cheque value selections to the table game system. The cheque value system comprises a plurality of keys wherein each key is associated with a different cheque value and each available cheque value is represented (See Halaby Fig. 1; col. 2 lines 28-41; col. 3 lines 26-53; col. 6 lines 27-35; col. 7 lines 20-37; col. 8 lines 36-47) [claims 13, 58]. Halaby lacks in disclosing a card identification system or image system. Soltys discloses a system for obtaining data for use in a table game system. A patron identification system receives patron identification data [claim 13]. The patron identification system comprises a card recognition system receiving a card and extracting the patron identification data from the card [claim 14]. The card is a magnetic stripe card (See Soltys col. 22 lines 43-49) [claim 15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a patron identification system so that the casino knows which players are playing the games at various times and

Art Unit: 3713

can therefore comp the players accordingly. The position system comprises an image system generating image data and a card detection system receiving the image data and generating card data from the image data (See Soltys col. 6 lines 36-38) [claim 37]. A player detection system receives the image data and generates player position data from the image data (See Soltys col. 22 lines 54-65) [claim 38]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an imaging system for card and player position detection. By using imaging, the casino can verify the cards that are being played as well monitoring how a player is betting, thereby the imaging system acts as increased security for the casino. A payout system receives the position data and the wager data and generates payout data (See Soltys col. 13 lines 61-67). The payout system further comprises a craps or roulette payout system (See Soltys col. 4 lines 43-46) [claims 42 & 43]. The position system comprises a ball position system and a dice position system (See Soltys col. 24 lines 30-33) [claim 44 & 45]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to having payout system for other games. The inventions of Halaby and Soltys can work for a variety of different games. The more games one has to play, the more likely it is that a player will enjoy one of the games and play it. The patron identification system and the cheque value system are each contained in a wireless remote terminal (See Soltys col. 6 lines 20-21)[claim 57]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a wireless



Art Unit: 3713

system. Wireless systems are well known throughout the art and are advantageous because players do not have to be bothered with wires interrupting their play.

**Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halaby in view of Soltys et al. in view of Hogan, U.S. Patent No.**

**6,267,671 B1.** Halaby and Soltys et al. lacks in disclosing a card entry device. Hogan teaches of a card entry device angled so as to allow an operator to easily provide a card to the card entry device. The card entry device receives account data from the card and provides the account data to the table game system (See Hogan Figs. 1-3; col. 7 lines 32-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a card entry device for receiving account data from the card in the invention of Soltys. By accessing account information from a player's card, the player does not have to carry around cash and all monetary transactions can be done through the card account. Therefore, the player and the casino do not have to be burdened with having to deal with cash.

### ***Response to Amendment***

It has been noted that claims 13 and 17 have been amended. Claim 16 was cancelled. New claims 57 and 58 have been added.

### ***Response to Arguments***

Art Unit: 3713

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

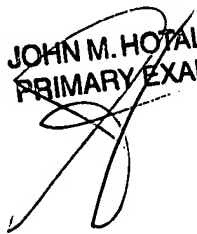
Art Unit: 3713

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie K Brockett  
Examiner  
Art Unit 3713



JOHN M. HOTALING, II  
PRIMARY EXAMINER